PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

59033-297872 Docket No.:

In re Application of:

Examiner: Not yet assigned.

-Siddhartha NAG et al.

Art Unit: 2143

Serial No.: 10/701,017

Confirmation No.: 5830

Filed: November 3, 2003

For:

END-TO-END SERVICE QUALITY FOR LATENCY-INTENSIVE INTERNET PROTOCOL (IP) APPLICATIONS IN A HETEROGENEOUS, MULTI-VENDOR

ENVIRONMENT

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Dear Sir:

Applicant hereby submits this Information Disclosure Statement which is being filed before the mailing date of a first Office Action on the merits.

Examiner is requested to consider the references noted on the enclosed Form PTO/SB/08a-b during examination of the above-identified patent application. These references are submitted for the Examiner's consideration and are submitted pursuant to the duty of disclosure under 37 C.F.R. § 1.56. In submitting these references, no representation is made or implied that the references are or are not material to the examination of the application. The Examiner is encouraged to make his or her own determination of materiality. In accordance with 37 C.F.R. § 1.98(a)(2)(i), copies of the references are provided herewith.

Atty. Docket No.: 59033-297872

Serial No.: 10/701,017

Invitation for a Telephone Interview

If the Examiner has any questions concerning the relevance of any reference cited in this disclosure, the Examiner is respectfully requested to call the undersigned at (303) 607-3633 if there remains any issue with allowance of the case.

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Pursuant to 37 C.F.R. § 1.97(b)(3), no fees are due with respect to this filing. However, should any fees be deemed necessary, such fees may be charged to Deposit Account No. <u>06-0029</u>.

Date: August 31, 2004

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Respectfully submitted,

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PTO/SB/08a (05-03)

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	Complete if Known
Application Number	10/701,017
Filing Date	November 3, 2003
First Named Inventor	Siddhartha Nag et al.
Art Unit	2448 2144 Taminy Nguyen
Examiner Name	Norverknown.
Attorney Docket Number	59033-297872

Examiner	Cite No.1	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Releva Passeges or Relevant Figures Appear
tnitials *	No.	Number - Kind Code ² (if known)	11-03-1998	Chen et al.	
	1	US-5,831,975	09-28-1999	Friedrich et al.	
	2	US-5,958,009	02-15-2000	Oskouy et al.	
	3	US-6,026,443	04-25-2000	Richardson et al.	
	4	US-6,054,987	05-09-2000	Walker et al.	
	5	US-6,061,723	8/15/2000	Hsu et al.	
	6	US-6,104,721	08-22-2000	Wilkinson et al.	
	7	US-6,108,310	04-03-2001	Huang et al.	
	8	US-6,212,562	02-07-2002	Houh et al.	
	9	US-2002/0015387	04-02-2002	Donovan et al.	
	10	US-6,366,577	04-02-2002	Koistinen et al.	
	11	US-2002/0049860	07-09-2002	Akhtar et al.	
	12	US-6,418,139	12-10-2002	Gelman et al.	
	13	US-6,493,348	02-04-2003	Bardalai et al.	
	14	US-6,515,966	08-12-2003	MeLampy et al.	
	15	US-6,606,668	10-28-2003	Dunn Jr. et al.	
	16	US-6,639,981	10-28-2003	Jorgensen et al.	
	17	US-6,640,248	11-11-2003	Kirby et al.	
;	18	US-6,647,208	01-13-2004	Ahoor et al.	
	19	US-6,678,729	03-30-2004	Amin et al.	
	20	US-6,714,987	03-30-2004	Minhazuddin et al.	
	21	US-2004/0073641	04515-2004		

		Pages, Columns, Lines,				
Examiner Initials*	Cite No.1	Foreign Patent Document Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T ⁶
11111213		Country Good Promote	07-05-2000	Himbeault		
	22	EP1017200	12-21-2000	Telefonaktiebolaget		
	23	WO 00/77988	12-21-2000	LM Ericsson Telefonaktiebolaget		
	24	WO 01/31939	05-03-2001	LM Ericsson		

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Examiner Signature	/Thanh Nguyen/	Date Considered	07/01/2008 609. Draw line through citation if not in	conformance

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Substitute	e for form 1449A/PTC)		Complete if Known			
			01 00UDE	Application Number	10/701,017		
INFORMATION DISCLOSURE		Filing Date	November 3, 2003				
STA	TEMENT B	Y AI	PPLICANT	First Named Inventor	Siddhartha Nag et al.		
				Art Unit	20400000 Z 1 Z 4		
	(use as many she	ets as	necessary)	Examiner Name	Hotystiment Tammy my my en		
Sheet	3	of	4	Attorney Docket Number	59033-297872		

		OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS	=
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	45	Netcool Solutions for Enterprise, End-To-End Business and Service Assurance, Micromuse, Inc. (6 pages).	ed
	46	Netcool/System Service Monitors White Paper, Including Netcool/Applications Service Monitors, 2003, Micromuse, Inc. (8 pages).	
	47	Netcool/Monitors Product Family – Realtime and Trended Performance, Status and Service Monitoring, 2004, Micromuse, Inc. (4 pages).	
	48	Netcool/Usage Service Monitors White Paper (Netcool/USMs), 2003, Micromuse, Inc. (11 pages).	
	49	Netcool/Precision for IP Networks: Discovery & Topology-/Based /RCA, Micromuse, Inquit 2 pages 1- ed	
	50	Realtime Event Management for Business and Service Assurance, Micromuse, Inc. (4 pages). No dated	
	51	FARRELL, C., Grappling With Management Of IP Telephony, Internet Telephony, May 2004, Technology Marketing Corporation (2 pages).	
	52	NetIQ VoIP Manager Connector For Netcool/OMNIbus, Micromuse, Inc. (1 page). No dated	
	53	ALLEN, P., Putting new service management tactics to work, Service providers can make smarter use of service management technology, ServerWorld, Volume 16, No.4, April 2002 (3 pages).	
	54	HP OpenView Network Services – Management – Business blueprint, 2004, Hewlett-Packard Development Company, L.P. (6 pages).	
	55	Management Software – IP telephony management solutions overview & features, 2004, Hewlett-Packard Development Company, L.P., printed from the Internet at: http://www.openview.hp.com/cgi-bin/pf-new.cgi?IN=hp//products/nnm/prod_nnm_0002.h (1 page).	
	56	Management Software – Alliance with Cisco Systems, Inc., 2004, Hewlett-Packard Development Company, L.P., printed from the Internet at: http://www.openview.hp.com/cgi-bin/pf-new.cgi?IN=hp//partners/alliances/pall_0001.html (2 pages).	
	57	Cisco HP Smart Way 2004 Solution Brief, 2003, Cisco Systems and Hewlett-Packard (4 pages).	
	58	HP Open View, Network Node Manager Smart Plug-in for Advanced routing 1.0 Data sheet, 2003-2004, Hewlett-Packard Development Company, L.P. (4 pages).	
	59	HP OpenView Performance Insight Report Pack for IP Telephony 1.2, 2004, Hewlett-Packard Development Company, L.P. (8 pages).	
	60	hp OpenView, glanceplus and glanceplus pak product brief, 2003, Hewlett-Packard Company (6 pages) dated	
- · · · · · · · · · · · · · · · · · · ·	61	HP OpenView, Performance Manager, Performance Monitor and Performance Agent data sheet, 2003, Hewlett-Packard Development Company, L.P. (4 pages).	
	62	HP Open View, Service Quality Manager 1.1 data sheet, 2003, Hewlett-Packard Development Company, L.P. (4 pages).	
	63	hp OpenView, service Information portal 3.1 product brief, 2003, Hewlett-Packard Company (4 pages).	

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59033-297872

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	 	OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS	
Examiner nitials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, senal, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	25	EDER, M., et al., IP Service Management In the QoS Network, November 2001, printed from Internet at: http://search.ietf.org/internet-drafts/draft-irtf-smrg-ipsmf-01.txt (15 pages).	
	26	EDER, M., et al., Service Management Architectures Issues and Review, January 2001, printed from Internet at: ftp://ftp.isi.edu/in-notes/rfc3052.txt (12 pages).	
f:	27	ZHU, C., et al., RFC 2190 – RTP Payload Format for H.263 Video Streams, September 1997, printed from Internet at: http://www.faqs.org/rfcs/rfc2190.html (10 pages).	
	28	HANDLEY, M., et ai., SIP: Session Initiation Protocol, March 1999, printed from Internet at: ftp://ftp.isi.edu/in-notes/rfc2543.txt (143 pages).	
	29	SIP: Session Initiation Protocol, updated August 2004, printed from Internet at: http://www.cs.columbia.edu/sip (1 page).	
	30	SIP: Session Initiation Protocol – Implementations, News, updated August 2004, printed from Internet at: http://www.cs.columbia.edu/sip/news.html (4 pages).	
	31	Measures network performance and predicts the impact of changes, Chanot, 2004, NetIQ Corporation (2 pages).	
 ,	32	netiQ: Chariot, 1993-2004, NetIQ Corporation, printed from Internet at: http://www.netiq.com/products/chr/defauit.asp?print=true (1 page).	
	33	Delivers comprehensive service management for windows, UNIX and Linux systems and applications, NetlQ AppManager Suite, 2004, NetlQ Corporation (4 pages).	
	34	Delivers Enterprise VolP QoS and Management, AppManager for VolP, 2004, NetIQ Corporation (4 pages).	_
	35	NetIQ's VoIP Management Solution, 2004, NetiQ Corporation (2 pages).	
-	36	NetIQ: Appmanager for VoIP, 1993-2004, NetIQ Corporation, printed from the Internet at: http://www.netiq.com/products/am/modules/voip.asp?print=true (1 page).	
	37	PEARSALL, S., et al., Doing a VoIP Assessment with Vivinet Assessor, netiQ Work Smarter, 2001-2002, NetIQ Corporation (19 pages).	
	38	Delivers the leading software solution for assessing a data network's readiness for VoIP, Vivinet Assessor, 2004, NetIQ Corporation (2 pages).	
	39	NetIQ: Vivinet Assessor, 1993-2004, NetIQ Corporation, printed from the Internet at: http://www.netiq.com/products/va/default.asp?print=true (1 pages).	
	40	Pinpoints VolP quality problems in minutes, Vivinet Diagnostics, 2004, NetIQ Corporation (2 pages).	
	41	NetIQ: Vivinet Diagnostics, 1993-2004, NetIQ Corporation, printed from the Internet at: http://www.netiq.com/products/vd/default.asp?print=true (1 page).	
	42	NetiQ: VoIP Management Solution, 1993-2004, NetiQ Corporation, printed from the Internet at:: http://www.netiq.com/solutions/voip/default.asp?print=true (1 page).	
	43	Micromuse: Products & Solutions – Netcool Suite Overview, 2004, Micromuse, Inc., printed from the Internet at: http://www.micromuse.com/products_sols/index.html (9 pages).	
	44	Netcool Solutions for Voice Over IP, Realtime Service Quality Management for IP Telephony Services. No Date	ed

PTO/SB/08a (05-03)

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	Substitute	for form 1449A/PT()			Complete if Known	
					Application Number	10/701,017	
i	INFORMATION DISCLOSUR STATEMENT BY APPLICAN (use as many sheets as necessary) Sheet 4 of 4	CLOSURE	Filing Date	November 3, 2003			
					First Named Inventor	Siddhartha Nag et al.	
				-	Art Unit	2449- 2144	
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	Sheet	4	of	4	Attorney Docket Number	59033-297872	

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	64	hp OpenView, problem diagnosis 1.1 product brief, 2002, Hewlett-Packard Company (4 pages).							
	65	HP OpenView Performance Insight Pack for Infrastrut.P. (6 pages).	ucture Usage, 2004,	Hewlett-Packard Development Company,					
	66	HP OpenView, Network Node Manager Smart Plug- Packard Development Company, L.P. (4 pages).	in for Advance Routi	ng 1.0 Data sheet, 2003-2004, Hewlett-					
	67	HP OpenView, Customer Views 1.4 for Network Node Manager data sheet, 2003, Hewlett-Packard Development Company, L.P. (4 pages).							
	68	Hewlett-Packard OpenView – about Hewlett-Packard OpenView, 2004, Hewlett-Packard Development Company, L.P., printed from the Internet at: http://www.managementsoftware.hp.com/cgi-bin/pf-new.cgi?IN=hp//about/index.html (2 pages).							
	69	hp OpenView, service quality manager product overview, 2003, Hewlett-Packard Company (16 pages).							
	70	Intelligent Diagnostics for Networks, Beyond root-cause analysis, A white paper from HP – preliminary*, 2003, Hewlett-Packard Development Company, L.P. (12 pages).							
	71	HP OpenView, Operations 7.x for Windows, Firewall Configuration white paper, 2002, Hewlett-Packard Company (60 pages).							
	72	Gain strategic advantage with HP IT Service Management, White paper, 2003, Hewlett-Packard Development Company, L.P. (8 pages).							
	73	HARBAUM, T., et al., Layer 4+Switching with QOS Support for RTP and HTTP, 1999, Global Telecommunications Conference - GLOBECOM '99, pages 1591-1596.							
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